

**AFFIDAVIT**

I, Michael J. McCabe, Jr., Ph.D., DABT, ATS, affirm and swear that I am a Toxicologist/Immunologist and expert witness, I was retained as an expert by the law firm of Ogg, Murphy & Perkosky, PC, in the Jerry Ray v. Michael Cain, James Markley, *et al* claim; and, being duly sworn according to law, depose and say as follows:

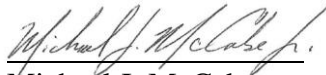
1. I am a Toxicologist/Immunologist and expert witness with more than 20-years of training and experience.

2. I was retained by Plaintiff in this case to provide an expert scientific opinion regarding Plaintiff's Relation-Back blood alcohol level at the time of the incident; the extent of Plaintiff's visible intoxication from the alcohol, if any; and, the Relation-Back blood alcohol level of driver, James Risbin, and its affect upon his judgment and motor skills, if any, at the time of the accident.

3. In forming my opinions, I read and reviewed numerous deposition transcripts, medical records, relevant discovery/documents, and pleadings.

4. On September 24, 2015, I submitted to Plaintiff an expert report that included my complete analysis and opinions, which were all stated to a reasonable degree of scientific certainty.

5. I affirm and swear that if called to testify at trial, I will testify in conformity with my expert report and my professional conclusions contained therein.

  
Michael J. McCabe

3/1/16  
Date